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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,463	11/14/2001	Tatsuhiko Sato	107242-09013	7004

4372 7590 05/21/2003

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WASHINGTON, DC 20036

EXAMINER

KUNEMUND, ROBERT M

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/987,463

Applicant(s)

SATO ET AL

Examiner

Robert M Kunemund

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/462,097.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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The Rejections

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 to 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchikawa et al (319,031) in view of Matsumura et al. (463,543).

The Uchikawa et al reference teaches a quartz crucible and a method of making the same. Powdered silica is flowed into a quartz crucible and forms a transparent inner surface. The arc rotation method is used to create the transparent inner surface. The inner surface is free of bubbles. There is sufficient power supplied to the process to create this layer. The difference between the instant claims and the prior art is the OH content and feed rate. However, the Matsumura et al reference teaches flowing the silica with the claimed range of OH and at the

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similar flow rates to create an inner surface of a quartz crucible without bubbles, note examples. It would have been obvious to one of ordinary skill in the art to modify the Uchikawa et al process by the teachings of the Matsumura et al reference to use a specific silica in order to reduce even further the amount and size of bubbles in the crucible. It is noted, that since the combined prior art uses process similar to that claimed the crucible would inherently have the same properties after pulling.

Claims 5 to 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uchikawa et al (319,031) in view of Matsumura et al. (463,543) and Sato et al

The Uchikawa et al (319,031) and Matsumura et al. (463,543) references are relied on for the same reasons as stated, supra, and differ from the instant claims in the diameter of the crucible. However, the Sato et al reference teaches quartz crucibles formed by the arc rotation process with diameters greater than 22 inches, note entire reference. It would have been obvious to one of ordinary skill in the art to modify the Uchikawa et al process by the teachings of the Sato et al reference to create large diameter crucible in order to meet the demands for larger diameter crystals.

Response to Applicant's Arguments

Applicant's arguments filed November 14, 2001 have been fully considered but they are not persuasive.

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Applicants' argument concerning the Uchikawa et al and Matsumura et al references is noted. However, both references do teach a crucible which is similar to the instantly claimed crucible, prior to growth of silicon. The crucibles of the prior art are made by the same process. Therefore, one of ordinary skill in the art would expect the crucibles to be similar after the pulling process. Applicants' have not shown that the crucibles are different after pulling and that a different gas flow is used during formations.

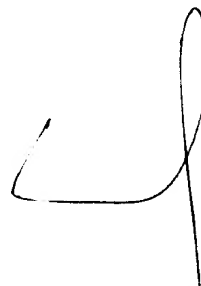
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Kunemund whose telephone number is (703) 308-1091. The examiner can normally be reached on Monday through Friday from 7:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Utech, can be reached on (703) 308-3836. The fax phone number for this Group is (703) 305-6357.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

RMK

May 19, 2003

A handwritten signature in black ink, consisting of a stylized 'R' followed by a vertical line that loops back to the top of the 'R'.

**ROBERT KUNEMUND  
PRIMARY EXAMINER**